

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19<sup>TH</sup> STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

NEW YORK, NY  
LOS ANGELES, CA  
MIAMI, FL  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM

HONG KONG

AFFILIATE OFFICES  
BANGKOK, THAILAND  
JAKARTA, INDONESIA  
MANILA, THE PHILIPPINES  
MUMBAI, INDIA  
TOKYO, JAPAN

RECEIVED

NOV 13 1998

FACSIMILE

(202) 955-9792

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

November 13, 1998

Ms. Anita Cheng  
Common Carrier Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Sixth Floor  
Washington, D.C. 20036

Re: Comments of Excel Telecommunications, Inc.. -- Docket No. 98-170

Dear Ms. Cheng:

Pursuant to the Notice of Proposed Rulemaking issued in the above-referenced docket, on behalf of Excel Telecommunications, Inc. I am hereby submitting this filing on diskette. The diskette is in "read only" mode and has been labeled as per the Commission's instructions.

**IMPORTANTLY, ALTHOUGH WE BELIEVE THE DISKETTES TO BE UNINFECTED, OUR COMPUTER SYSTEM HAS BEEN PLAGUED BY A COMPUTER VIRUS THIS WEEK. THEREFORE, PLEASE HAVE THE DISKETTES SCANNED FOR VIRUSES PRIOR TO UPLOADING THEM TO YOUR SYSTEM.**

Sincerely,

*Andrea D. Pruitt*  
Andrea D. Pruitt

No. of Copies rec'd at 4  
List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

ORIGINAL  
RECEIVED

NOV 13 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Truth-in-Billing

and

Billing Format

)  
)  
)  
)  
)  
)  
)

CC Docket No. 98-170

COMMENTS OF  
EXCEL TELECOMMUNICATIONS, INC.

James M. Smith  
Vice President,  
Law & Public Policy  
EXCEL TELECOMMUNICATIONS, INC.  
1133 Connecticut Avenue, N.W., Suite 750  
Washington, D.C. 20036

Robert J. Aamo  
Andrea D. Pruitt  
KELLEY DRYE & WARREN LLP  
1200 19th Street, N.W., Suite 500  
Washington, D.C. 20036

Its Attorneys

Dated: November 13, 1998

## SUMMARY

Excel supports the Commission's goal of ensuring "clear, thorough and understandable" billing statements for all consumers and applauds the Commission's efforts to eliminate consumer confusion resulting from inadequate and, in some instances, fraudulent billing practices. At the same time, Excel is concerned that the *Notice of Proposed Rulemaking*, taken as a whole, is so laden with details and overlapping proposals that, if implemented, it would seriously impede the Commission's objectives of clear and concise billing statements for consumers.

As explained in these comments, Excel believes that the Commission can and should develop requirements or guidelines that effectively address deficient billing practices without making bills too cumbersome and, of equal importance, without imposing undue costs upon the industry and consumers. Indeed, Excel feels strongly that, to the extent possible, the Commission should refrain from adopting any new requirements or language and instead pursue measures that will result in shorter, user-friendly billing statements. To that end, Excel would support Commission action requiring bills to contain information uniformly important to all consumers such as the identity of the service providers, pertinent data regarding services rendered and the charges for those services. In addition, if the Commission determines it necessary, Excel supports the adoption of rules requiring billing entities to provide a periodic account summary, a summary of service and service provider changes with each bill, and other limited measures to provide customer service to assist customers with billing inquiries and complaints.

Finally, Excel is concerned that various efforts to reform carrier billing practices on both the state and federal level will result in overlapping and, in some instances, contrary

requirements that would be impossible or too costly for carriers to meet. Thus, to avoid potential conflicts, Excel supports coordination of various reform efforts to ensure that consumers are not overwhelmed with too much information and that carriers are not subject to unnecessary or inconsistent regulations that would be too time-consuming and costly to implement.

## TABLE OF CONTENTS

SUMMARY.....	i
TABLE OF CONTENTS.....	iii
INTRODUCTION AND SUMMARY .....	2
I. EXCEL ENCOURAGES THE COMMISSION TO COORDINATE EFFORTSWITH OTHER GOVERNMENT BODIES TO ADOPT CONSISTENT AND UNIFORM BILLING REGULATIONS .....	4
II. EXCEL URGES THE COMMISSION TO ADOPT MEASURES NECESSARY TO ENSURE CLEAR AND ACCURATE BILLING STATEMENTS .....	5
A. Any Requirements Adopted by the Commission Must Result in Clear, Concise Billing Statements That Assist Customers In Detecting Fraudulent Billing Practices .....	7
1. Bills Separated By Service Provider Would Be Most Useful To Consumers.....	7
2. A Summary of Services and Service Changes Would Assist Customers to Quickly Review the Accuracy of Their Billing Statements .....	9
B. Full and Non-Misleading Service Descriptions Is An Obligation That Must Be Met By All Service Providers .....	10
1. Itemization Is A Worthwhile and Good Business Practice.....	10
2. Complete Descriptions for Charges Resulting from Federal Regulatory .....	11
C. Carriers Must Be Prepared to Respond to Customer Complaints and Billing Inquiries .....	13
III. CONCLUSION.....	15

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054**

In the Matter of	)	
	)	
Truth-in-Billing	)	
	)	CC Docket No. 98-170
and	)	
	)	
Billing Format	)	

**COMMENTS OF  
EXCEL TELECOMMUNICATIONS, INC.**

Excel Telecommunications, Inc. ("Excel"), by its attorneys, hereby submits these comments in response to the Commission's *Notice of Proposed Rulemaking* in the above-captioned proceeding.<sup>1</sup> Excel supports the Commission's efforts to foster billing methods that will result in clear, accurate billing statements for consumers. In light of the increase in customer complaints due to incomplete, unclear and, in some instances, "sham" billing statements, Excel agrees that targeted regulations may be necessary to protect the public against inadequate and deceptive billing practices. Contrary to the Commission's objectives, however, the proposals set forth in the *NPRM*, if adopted in their entirety, would result in voluminous and arduous billing statements that would overwhelm most consumers. Accordingly, Excel urges the

---

<sup>1</sup> See *In the Matter of Truth-in-Billing and Billing Format, Notice of Proposed Rulemaking*, CC Docket 98-170, (rel. Sept. 17, 1998) ("*NPRM*").

Commission to adopt limited rules that would effectively address problems such as slamming and cramming without making bills cumbersome and imposing undue costs upon the industry and consumers.

## **INTRODUCTION AND SUMMARY**

Excel is the fourth largest interexchange carrier in the United States in terms of presubscribed lines, and is one of the fastest growing providers of telecommunications services in the nation. On November 10, 1998, Excel completed a merger with Teleglobe Inc. and, as a result, is now one of the world's foremost providers of domestic and international telecommunications services. Through resale, and increasingly through the use of its own facilities, Excel offers a full range of residential and business services, including internet access, international service, paging, 800 service and calling card service. At the end of 1997, Excel and its subsidiaries provided service to more than 5.5 million customers, most of whom are residential customers.

At the outset, Excel applauds the Commission's efforts to assist consumers to make more fully informed choices in the newly competitive telecommunications environment by implementing requirements to ensure that customers receive "thorough, accurate and understandable" billing statements. As the Commission notes in the *NPRM*, the post-1996 Telecommunications Act marketplace, on many levels, has become a more fully competitive environment replete with new telecommunications services and service providers. While customers obviously benefit from the choices now available, they do not always receive adequate information about charges and, as a result, they may be somewhat more vulnerable to problems

such as slamming and cramming. In light of what the Commission describes as a “tremendous” growth in customer complaints due to unclear or incomplete billing statements, Excel agrees that targeted regulations or guidelines may be necessary, in situations where market forces are not fully developed, to ensure that consumers have access to the information needed to determine what services are being provided, the charges assessed for those services and the identity of the carrier providing those services.

At the same time, the Commission should resist any urge to try to address every potential billing issue that a customer may encounter. Instead, the Commission should adopt a common sense approach that will result in more accurate and useful billing invoices that realistically can be implemented by carriers without making billing statements unwieldy or imposing excessive compliance costs upon the industry and, ultimately, consumers. Excel believes that the proposals set forth in the *NPRM* -- if adopted in their entirety -- would actually hinder rather than promote the Commission’s objectives. In particular, Excel is concerned with the amount of detail and the regulatory nature of certain proposals, which appear to go beyond what is necessary to ensure that subscribers receive accurate and thorough billing statements. Were the Commission to implement all of the proposals in the *NPRM*, the result would be an extensive invoice that reads more like a regulatory compliance manual than a billing statement. Moreover, billing carriers would incur significant costs to pay local exchange carriers for longer and more detailed bills, to adjust bill formats and implement quality control measures. In the end, customers would receive a billing statement that is more costly and cumbersome than its predecessor and one that fails to serve as a simple and understandable source of pertinent billing data.



**I. EXCEL ENCOURAGES THE COMMISSION TO COORDINATE EFFORTS WITH OTHER GOVERNMENT BODIES TO ADOPT CONSISTENT AND UNIFORM BILLING REGULATIONS**

Consumer complaints of unfair billing practices have resulted in a number of proceedings on both the state and federal level. Significantly, Congress, the Federal Trade Commission and many states and their regulatory bodies have either adopted regulations pertaining to fairness in billing or have ongoing proceedings to address billing issues.<sup>2</sup> To date, there have been no sustained efforts to coordinate billing regulations among the various federal and state agencies. As a result, Excel is concerned that the multiple efforts could result in overlapping and inconsistent laws and regulations.

In particular, the Commission should take into account the likelihood that Congress may soon adopt new laws governing billing practices. Earlier this year, the United States Senate passed legislation that, if enacted, would impose additional obligations on all billing agents, including local and toll carriers.<sup>3</sup> Specifically, the Senate proposal, *inter alia*, would require all bills to include the name and toll-free number of the subscriber's local and toll carrier, the identity of the presubscribed carrier and the charges associated with each carrier's service during the billing period. While the Senate bill appears to be generally consistent with the

---

<sup>2</sup> For example, the Federal Trade Commission ("FTC") recently issued a *Notice of Proposed Rulemaking* to apply its 900 pay-per-call rules to other telecommunications services, excluding local and long distance, to combat cramming and to provide consumers with additional tools to dispute unauthorized charges. Specifically, the FTC proposes to prohibit billing entities from charging for certain unauthorized purchases. In addition and similar to the proposals put forth by the Commission in this proceeding, the FTC proposes disclosure requirements for billing statements, as well as a required notice of billing error rights. *Notice of Proposed Rulemaking to Amend the Commission's Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992*, 16 C.F.R. Part 308 (rel. Oct. 30, 1998).

<sup>3</sup> See S. 1618, 105<sup>th</sup> Congress, 2d Sess. (1998).

Commission's proposal, the House of Representatives has not yet been approved their version of the bill and it is impossible to predict with certainty how the final legislation might read.

While Excel does not believe that the Commission should shelve its efforts to reform billing practices in light of the initiatives taken by Congress and other Government bodies, Excel does believe that the Commission should proceed cautiously by adopting only those targeted regulations that satisfy a rigorous cost-benefit analysis. Where possible, the Commission should rely upon industry guidelines rather than mandatory requirements. Lastly, the Commission should undertake efforts to coordinate its reforms with Congress, state agencies, and other interested Governmental bodies to ensure that consistent national standards and requirements are developed for telephone billing practices that promote rather than undermine the Commission's goals in this proceeding.

## **II. EXCEL URGES THE COMMISSION TO ADOPT MEASURES NECESSARY TO ENSURE CLEAR AND ACCURATE BILLING STATEMENTS**

In the *NPRM*, the Commission identifies three guidelines intended to advance the goal of fairness in billing: (1) bills should be clearly organized and highlight any new charges or changes to consumers' services; (2) bills should contain full and non-misleading descriptions of all charges that appear therein and clear identification of the service provider responsible for each charge; and (3) bills should contain clear and conspicuous disclosure of any information that the consumer may need to make inquiries about the charges on the bill.<sup>4</sup> Excel believes that each goal can be met with a few targeted rule changes. The only problems identified by the Commission concern the bills sent to subscribers by incumbent local exchange carriers ("ILECs"), and Excel believes that most carriers who bill subscribers indirectly through the

---

<sup>4</sup> *NPRM* at ¶10.

ILECs already provide consumers with billing statements that generally meet the Commission's guidelines. The most serious problem lies with unscrupulous carriers that pursue quick profits through deceptive practices. While federal rules will not completely eliminate dishonest billing practices, Excel is optimistic that targeted rules promoting clear and concise billing formats will discourage those practices by enabling customers to inquire about and dispute improper charges.

From Excel's perspective, it must be emphasized that any new regulations should not be costly to implement lest carriers be forced to impose higher prices on consumers. Under the current regulatory and market environment, Excel and many other carriers bill the vast majority of their customers indirectly through the ILECs. Under a typical billing arrangement, service providers are obliged to pay for billing services on a volume basis, and the costs are high if not exorbitant. For example, Excel typically pays at least 2.4 cents for each toll call line item included on a bill and 25 to 35 cents for each line item unrelated to the documentation of toll calls. In addition, Excel pays an average of 27 cents for "bill rendering" services in order to have a summary sheet and logo printed on its billing pages. Clearly, as demonstrated above, any rules resulting in new verbiage or additional line items will significantly increase Excel's billing costs. With that in mind, Excel strongly urges the Commission to conduct a rigorous cost-benefit analysis for each of the proposals put forth in this proceeding and only adopt requirements that will not result in additional costs to consumers.

Further, in adopting any new billing requirements, Excel urges the Commission not to adopt requirements that would stifle the development and use of alternative billing mechanisms. The FCC should bear in mind that, like other telecommunications-related services, the media by which carriers issue billing statements are evolving. Customer account information today expands beyond paper invoices and includes other forms of accessing account information such

as on-line services and automated voice assistance accessed through toll-free numbers. Thus, in implementing new billing and collection regulations, the FCC must take great care not to create a costly regulatory environment that discourages the development of more convenient, on-demand customer account information.

*A. Any Requirements Adopted by the Commission Must Result in Clear, Concise Billing Statements That Assist Customers In Detecting Fraudulent Billing Practices.*

The most useful billing statement does not (and probably cannot) necessarily address every potential question a customer might have. To the contrary, the most useful billing statement includes only information uniformly important to all customers, such as the names of service providers, pertinent data regarding the services rendered by each service provider, and the charges for those services. At that point, it should be the customer's duty to use customer service data on the billing statement to make any additional inquiries or to initiate disputes.

*1. Bills Separated By Service Provider Would Be Most Useful To Consumers*

Excel believes that most billing statements today are sufficiently well-organized so that subscribers can distinguish separate carriers and services. However, in the event the Commission decides that it would be helpful to adopt regulations to improve the organization of billing statements, Excel supports the proposal requiring carriers to separate charges by service provider over the proposal to organize statements by service category. Organizing bills by service provider would help subscribers to identify each carrier responsible for charges included on the billing statement while providing a clear framework for understanding the services that have been rendered.

In the current regulatory environment, consumers are faced with a multitude of choices for service providers. As a result, a customer can have a different service provider for local, long distance, internet and information services, all on one bill. To facilitate quick review of specific carrier information, Excel would support requiring a visual separation between each service provider and the services provided by those carriers. The name of the service provider should be conspicuously identified at the top of the relevant pages. Immediately below the name of the carrier, the bill should include a list of all services provided as well as the charges for those services. This format will assist customers to identify more easily whether the proper carrier is providing service and, equally important, whether they are receiving the services requested or authorized.

As recognized by the Commission in the *NPRM*, to organize billing statements by service categories may prove less meaningful in the long run as distinctions between service categories evolve and blur.<sup>5</sup> For example, use of the term “Internet” for a service category does not clearly represent the range of services that potentially could qualify under that classification. Clearly, Internet services may be used to provide access to the worldwide web, but they also may be used for local and long distance voice services. Thus, the use of service categories could result in misnomers and confusion on the part of consumers. Conversely, organization by service provider would alleviate potential confusion because the Internet service provider would be listed as a category and would be required to provide a list of all services rendered to the customer.

---

<sup>5</sup> See *NPRM* at ¶17.

*2. A Summary of Services and Service Changes Would Assist Customers to Quickly Review the Accuracy of Their Billing Statements*

Excel supports the use of a “status change” summary in each bill. A summary of significant changes in each billing statement is the most effective mechanism to help customers identify whether there have been any unauthorized carrier changes or service amendments. Such a summary also will assist customers to determine when a new carrier or service request has been effectuated. Along with clear and useful data for initiating customer service inquiries, a “status change” summary promises to be an effective tool against slamming and cramming.

The Commission also proposed to include a summary of the current status of the customer’s services. Excel believes that such a requirement is not as useful as the “status change” summary, and it would be at least partially redundant with any requirement that bills be organized by categories of service provider.

Excel strongly opposes the inclusion of a summary category for PC freezes or other blocking mechanisms. Excel believes that requiring a summary of PC freezes and blocking mechanisms would only confuse customers. Specifically, the inclusion of a PC freeze summary may leave customers with the impression that PC freezes either are required or recommended by the Commission or the billing carrier, inducing customers to request freezes where they otherwise would not. Consequently, because local exchange carriers may take up to 30 days to reverse a PC freeze or other blocking mechanism, customers choosing to block carrier changes would no longer have the flexibility to quickly switch service providers in response to market changes, resulting in an overall less competitive market.

B. *Full and Non-Misleading Service Descriptions Is An Obligation That Must Be Met By All Service Providers*

1. *Itemization Is A Worthwhile and Good Business Practice*

Providing customers with full and non-misleading descriptions is, without question, an implied obligation underlying the provision of billing services. Most carriers, especially reputable carriers, already provide clear and accurate information that is user-friendly for the customer. Given other regulations that will help prevent slamming and cramming, as well as the costs incurred to comply with billing regulations, Excel encourages the Commission to limit itself to establishing guidelines, rather than mandatory rules, as to how carriers should draft service descriptions.

In the *NPRM*, the Commission expresses concern that vague or inaccurate descriptions of charges make it difficult for customers to determine exactly what they are paying for and whether they received the services for which they are charged. With regard to NARUC's proposal that each charge on a consumer bill be accompanied by a brief, clear, plain language description of the services rendered, Excel believes that for certain types of bill, such as long distance or local, the number of charges on a bill can be numerous. Thus, to provide a full sentence description of all services provided would significantly increase the length and cost of the telephone bill. To the extent the Commission determines that new measures are necessary to make billing statements more clear and accurate, Excel urges the Commission to require no information beyond what is required today for pay-per-call services. Under the pay-per-call rules, bills should: (1) specify the type of service; (2) the amount of the charge; and (3) the date, time and rate schedule (where applicable) for each call. Because most carriers already provide billing statements in that fashion, the billing format adjustments necessary to comply with such a regulation would be limited.

As a general rule, Excel agrees that customers should be fully apprised of the terms and conditions under which services are provided. Excel, however, urges the Commission not to adopt rules requiring service providers to identify calls for which service may be denied and those for which it may not. Excel's main concern is that this practice will encourage non-payment and fraudulent behavior on the part of dishonest customers. Moreover, most state regulatory agencies have dispute resolution processes in place through which customers may lodge complaints or billing inquiries. Typically, during that process, customers are informed of the charges which must be paid in order to maintain service and those for which service may not be disconnected for nonpayment. To provide that information outside the context of an initiated billing dispute in no way promotes the public interest while encouraging dishonest consumers to engage in fraudulent practices.

2. *Complete Descriptions for Charges Resulting from Federal Regulatory Action Is Not Appropriate in Billing Statements*

In the *NPRM*, the Commission notes that consumers often are confused about line item charges related to the implementation of universal service support mechanisms and access charge recovery. Of particular concern is that some carriers indicate in their billing statements that surcharges related to universal service and access charge recovery are mandated by federal action. Moreover, the Commission has received complaints that the amount of these charges for a particular customer may not correspond to the actual costs to the carrier of universal service charges attributable to that particular customer.

Excel appreciates the Commission's concerns regarding confusing descriptions of universal service support mechanisms and access charge recovery. Nonetheless, Excel does not believe that it is necessary to implement additional requirements to ensure that carriers



accurately describe such charges. In fact, at least in the universal service context, to do so would be redundant. In the *Universal Service Order*, the Commission made it clear that carriers that pass universal service-related costs on to their customers are prohibited from describing such charges in their billing statements as a federal “surcharge.”<sup>6</sup> Accordingly, there already are rules in place designed to prohibit carriers from using such language. To the extent that some carriers continue to describe universal service support mechanisms as a federal surcharge or use other patently false or misleading language, new or additional regulations will not be helpful. Rather, ensuring that carriers adhere to the Commission’s mandate is really an enforcement issue that can more effectively be addressed through complaint proceedings, cease-and-desist orders and assessing penalties.

With regard to the Commission’s proposal requiring that long distance carriers explain the net reductions in their costs of providing service since the enactment of the 1996 Act, Excel submits that such information is too complex and inappropriate for a billing statement. As stated above, customers are interested in receiving concise billing statements that accurately identify services provided, the charges for those services and the identity of the entity providing the service. To include policy statements pertaining to the evolution of such charges is too complex and would only add to consumer confusion. Moreover, the purpose of a billing statement is to provide customers with an invoice of services and charges not to summarize federal or state policy decisions.

Moreover, Excel is wary of providing specific information pertaining to the actual costs to the carrier for charges related to universal service support, access cost recovery and PICC

---

<sup>6</sup> See *In the Matter of Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, ¶ 855 (Rel. May 8, 1997).

charges. In principle, Excel believes that consumers should be fully apprised of all charges contained on their billing statement. Of greater concern, however, is that these charges are not constant and, therefore the actual contribution amounts vary. Including an exact amount, which is subject to change, will engender more confusion and suspicion on the part of customer. This outcome is particularly acute in a competitive long distance market where line item charges are likely to fluctuate in response to market pressure.

In addition, a reduction in net access charges does not automatically convert into lower prices on a subscriber's bill. For example, access charge reductions for resale carriers may be illusory. Whether a reseller's cost and, consequently, the price to the customer reflects a net reduction in access charges depends on whether the underlying facilities-based carriers pass those savings on to the reseller under the terms of their contract. If they do not, which often is the case, the reductions are not the reseller's to pass through to its customers. Further, other Commission action such as its decision to substantially revise the transport rate structure, may significantly offset or negate a carrier's access "savings." In addition, special rate plans reduce the effective rates to customers who take advantage of cost-saving features of the plan, but not necessarily for all customers. A more accurate measure of whether a carrier is passing cost reductions to its customers is not through the billing process, but rather whether there has been a decrease in the carrier's average revenue per customer.

### *C. Carriers Must Be Prepared to Respond to Customer Complaints and Billing Inquiries*

Of course, Excel supports any effort to provide quality control for billing inquiries and complaint resolution. Excel believes that access to knowledgeable customer service representatives is an integral component of the billing services offered to consumers. To that

end, Excel supports the proposal by LECs, NARUC and the National Consumers League requiring that each telephone bill include the name of the service provider, a business address and toll free number. Excel believes that the provision of carrier information in conjunction with clearly written bills will provide consumers with the data needed to address any billing issue.

As stated above, Excel considers quality customer service to be an essential part of the customer relationship and paramount to providing quality service. In its own business, Excel offers a comprehensive customer service plan, providing support throughout the relationship with the customer. Importantly, the customer service department is staffed by fully trained professionals who are prepared to assist clients with any request. These requests can range from the entry of new accounts to service impacting situations. Customer service representatives are trained to listen to the customer and ask pointed questions to ascertain the core issue. If the issue is such that it can be handled immediately, the representative will offer to do work while the customer waits. If the situation requires more extensive research, the representative will maintain regular contact with the customer until the issue is resolved.

While efforts to implement quality control measures are laudable, the Commission must recognize that enforcement of any requirement can only be done through the complaint process. In other words, there is simply no way to adopt regulations to ensure that customer are receiving accurate and helpful information unless a complaint is filed. At that point, it is incumbent upon the Commission to investigate the carrier's practices and make a determination as to whether the practices at issue meet the Commission's standards.

## CONCLUSION

For the foregoing reasons, Excel urges the Commission to develop measures that will provide consumers with clear and concise billing statements. As explained in these comments, the proposals set forth in the *NPRM*, if adopted in their entirety, would result in voluminous, cumbersome, and costly billing statements that would only further frustrate consumers. Accordingly, rather than further burden consumers and carriers, Excel urges the Commission to adopt only those measures that provide consumers with access to the information needed to determine what services are being provided, the charges for those services and the identity of the carrier providing those services. In the end, consumers should receive short, understandable billing statements at no added cost to their telecommunications bill.

Respectfully submitted,

EXCEL TELECOMMUNICATIONS, INC.

James M. Smith  
Vice President,  
Law & Public Policy  
EXCEL TELECOMMUNICATIONS, INC.  
1133 Connecticut Avenue, N.W., Suite 750  
Washington, D.C. 20036  
(202) 331-4295

By: Andrea D. Pruitt  
Robert J. Aamoth  
Andrea D. Pruitt  
KELLEY DRYE & WARREN LLP  
1200 19<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20036  
(202) 955-9600

Its Attorneys

Dated: November 13, 1998

**CERTIFICATE OF SERVICE**

I, Marlene Borack, hereby certify that on this 13 day of November, 1998, a copy of the **COMMENTS OF THE EXCEL TELECOMMUNICATIONS, INC.** was delivered by hand to the following:

Lawrence E. Strickling  
Deputy Chief, Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 500  
Washington, D.C. 20554

Judy E. Boley  
Federal Communications Commission  
1919 M Street, N.W.  
Room 234  
Washington, D.C. 20554

Timothy Fain\*\*  
OMB Desk Officer  
10236 NEOB  
725 17<sup>th</sup> Street, N.W.  
Washington D.C. 20503

International Transcription Services, Inc.  
1231 20<sup>th</sup> Street, N.W.  
Washington, D.C. 20036

  
\_\_\_\_\_  
Marlene Borack

---

\*\* Via first class mail

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

- o An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.
- o Microfilm, microform, certain photographs or videotape.
- o Other materials which, for one reason or another, could not be scanned into the RIPS system.

The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.

DISKETTE